

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 00-cr-148-01-SM

Sean Ahearn

ORDER

Re: Document No. 129, Motion for DNA Testing

Ruling: Denied, for the reasons given in the government's objection. DNA evidence obtained from the ski mask and presented at defendant's criminal trial excluded defendant as the contributor, and sufficient DNA material to perform testing was not recoverable from the gloves, which information the jury had. More precise DNA testing excluding the defendant as the contributor relative to the ski mask, or excluding him as contributing DNA material recoverable from the gloves, would not weigh in defendant's favor in any material respect. Moreover, the testing requested is not possible as the items no longer are available for further testing. Finally, the evidence presented at trial overwhelmingly established defendant's guilt of the offenses of conviction beyond any reasonable doubt, and further DNA testing would not result in any new material evidence that could raise a reasonable probability of defendant's innocence. See 18 U.S.C. Section 3600


Steven J. McAuliffe
Chief Judge

Date: June 29, 2009

cc: Counsel of Record
Sean Ahearn